



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/568,282

02/15/2006

Akihiro Yamamoto

20060126A

3301

52349

7590

12/23/2008

WENDEROTH, LIND & PONACK L.L.P.

2033 K. STREET, NW

SUITE 800

WASHINGTON, DC 20006

EXAMINER

HOANG, SON T

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/568,282 | <b>Applicant(s)</b><br>YAMAMOTO ET AL. |  |
|                              | <b>Examiner</b><br>SON T. HOANG      | <b>Art Unit</b><br>2165                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 29, 2008 has been entered.

### ***Response to Amendment***

2. **Claims 2-3, 5-10, and 16-18** are canceled.

**Claims 1, 4, 11, and 13-15** are amended.

**Claims 1, 4, and 11-15** are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

**First**, Applicant argues towards independent **claim 1** regarding the fact that the combination of Erickson and Sinha does not disclose the first database including information that indicates a location from which the data is copied, and information that indicates a location to which the data is copied.

The Examiner respectfully disagrees with the above remark. Accordingly, Sinha teaches a first recording unit for recording a digital data group including digital data and recording a first database file which stores information regarding the digital data of the

Art Unit: 2165

recorded digital data group (*the synchronization process 18 understand the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24, [0060]), the information regarding digital data including copy origin information indicating a location from which each digital data of the recorded digital data group is copied and copy destination information indicating a location to which each digital data of the recorded digital data group is copied (As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder. This can be created based on the user preference, [0060]).*

**Second**, Applicant argues towards independent **claim 1** regarding the fact that the combination of Erickson and Sinha does not disclose a first sending unit operable to send, to the second recording/reproduction apparatus, extracted information regarding the digital and the digital data that corresponds to the extracted information.

The Examiner respectfully disagrees with the above remark. Accordingly, Erickson teaches a first sending unit operable to send, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected*

Art Unit: 2165

*through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]. It is inherent that the "copy" command causes the source machine to send data on the source machine to the target machine),*

**Third**, Applicant argues towards independent **claim 1** regarding the fact that the combination of Erickson and Sinha does not disclose that wherein, only when information indicates that said second recording/reproduction apparatus is not included in the copy origin information and the copy destination information of the digital data stored in the first recording unit, said first sending unit sends, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data.

The Examiner concurs with the above remark. However, it is noted that Sugiyama (*Pub. No. 2002/0085461, published on July 4, 2002*) teaches the above limitation. Accordingly, Sugiyama discloses wherein, only when information indicates that said second recording/reproduction apparatus is not included in the copy origin information and the copy destination information of the digital data stored in the first recording unit, said first sending unit sends, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*When the writing is completed for the track as determined at step s77, the file validity information, contained in the file management information corresponding to the track on the hard disk 5, is set to indicate "non-valid" meaning that the data of the track on the hard disk 5 have been*

Art Unit: 2165

*completely erased. Such arrangements can prevent further (second-generation) copying (i.e., re-copying) of the audio data copied from the CD to the hard disk 5, to thereby eliminate a possibility of unfair copying against the SCMS standard, [0061]).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention to incorporate the teachings of Sugiyama with the teachings of Henrickson, as modified by Sinha, for the purpose of imparting copying-inhibiting subcode to the data to indicate that copying of the audio data is restricted ([Abstract] of Sugiyama).

In view of the above, the Examiner contends that all limitations as recited in the claims have been addressed in this instant Office action. Hence, Applicant's arguments do not distinguish over the claimed invention over the prior arts of record.

For the above reasons, the Examiner believed that rejections of this instant Office action is proper.

### ***Claim Objections***

4. **Claim 14** is objected to because of the following informalities: typographical error in the citation of "...the digital being determined..." on line 21. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2165

6. **Claims 14** is rejected under 35 U.S.C. 101 are maintained because the claimed invention is directed to non-statutory subject matter.

Regarding **claim 14**, the claim recites a method for managing document without confining its method steps to a “particular machine” (e.g. a general-purpose computer). Applicant is suggested to include at least a “storage” component as part of the claimed method and explain how the at least storage component can be utilized by the method steps.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. **Claims 1**, and **13-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrickson et al. (*Pat. No. US 6,625,622, filed on August 23, 1999; hereinafter*

Art Unit: 2165

Henrickson) in view of Sinha (*Pub. No. US 2004/0064488, filed on September 30, 2002*), and further in view of Sugiyama (*Pub. No. 2002/0085461, published on July 4, 2002*).

Regarding **claim 1**, Henrickson clearly shows and discloses a data transmission/reception system comprising:

a first recording/reproduction apparatus and a second recording/reproduction apparatus wherein said first recording/reproduction apparatus and said second recording/reproduction apparatus execute recording and reproduction of input data and execute transmitting and receiving of data therebetween (*Source computer and target computer are used, regardless of their hardware or operating system, to relocate application programs, settings, menus, files and documents from a source computer to a target computer, [Abstract]*),

wherein said first recording/reproduction apparatus includes:

an extraction unit operable to extract, from the first database file, the information regarding the digital data which corresponds to digital data recorded in said first recording/reproduction apparatus but not recorded in said second recording/reproduction apparatus, the extraction being executed by comparing a second database file sent by said second recording/reproduction apparatus with the first database file (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence,*



Art Unit: 2165

*version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]).;*

a first sending unit operable to send, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]. It is inherent that the "copy" command causes the source machine to send data on the source machine to the target machine*),

wherein said second recording/reproduction apparatus (*target computer*) includes:

a second recording unit for recording a digital data group including digital data and recording a second database file which stores information regarding the digital data of the digital data group (*hard drive, [Column 4, Lines 25-28]*); and

Art Unit: 2165

a second sending unit operable to send the second database file to said first recording/reproduction apparatus (*the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]*).

Erickson does not disclose a first recording unit for recording a digital data group including digital data and recording a first database file which stores information regarding the digital data of the recorded digital data group, the information regarding digital data including copy origin information indicating a location from which each digital data of the recorded digital data group is copied and copy destination information indicating a location to which each digital data of the recorded digital data group is copied, and a delete determination unit operable to determine, based upon the copy origin information and the copy destination information included in the first database file, whether or not to delete, from said first recording/reproduction apparatus, (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data.

However, Sinha discloses:

wherein said first recording/reproduction apparatus (*source computer 10, [0060]*) includes:

a first recording unit for recording a digital data group including digital data and recording a first database file which stores information regarding the digital data of the recorded digital data group (*the synchronization process 18 understand the source (such as computer 10) and destination (such as a backup computer not shown) of the*

Art Unit: 2165

*real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24, [0060]), the information regarding digital data including copy origin information indicating a location from which each digital data of the recorded digital data group is copied and copy destination information indicating a location to which each digital data of the recorded digital data group is copied (As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]),*

a delete determination unit operable to determine, based upon the copy origin information and the copy destination information included in the first database file, whether or not to delete, from said first recording/reproduction apparatus, (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data (*Figure 22 the determination if the first node in the current file activity structure list is type "newly created log entry" or not. If the type is not "newly created log entry", analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]. See further [0022] for current activity list).*

It would have been obvious to an ordinary person skilled in the art at the time of the invention to incorporate the teachings of Sinha with the teachings of Henrickson to

Art Unit: 2165

efficiently back up user computer data as the user is changing the computer source document, particularly if the user data is critical, by performing a real time optimized backup from a source device to a destination device ([0002]-[0003] of Sinha).

Erickson, as modified by Sinha, does not explicitly disclose wherein, only when information indicates that said second recording/reproduction apparatus is not included in the copy origin information and the copy destination information of the digital data stored in the first recording unit, said first sending unit sends, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data.

However, Sugiyama discloses wherein, only when information indicates that said second recording/reproduction apparatus is not included in the copy origin information and the copy destination information of the digital data stored in the first recording unit, said first sending unit sends, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*When the writing is completed for the track as determined at step s77, the file validity information, contained in the file management information corresponding to the track on the hard disk 5, is set to indicate "non-valid" meaning that the data of the track on the hard disk 5 have been completely erased. Such arrangements can prevent further (second-generation) copying (i.e., re-copying) of the audio data copied from the CD to the hard disk 5, to thereby eliminate a possibility of unfair copying against the SCMS standard, [0061]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention to incorporate the teachings of Sugiyama with the teachings of Henrickson, as modified by Sinha, for the purpose of imparting copying-inhibiting subcode to the data to indicate that copying of the audio data is restricted ([Abstract] of Sugiyama).

Regarding **claim 13**, Henrickson clearly shows and discloses a recording/reproduction apparatus which executes recording and reproduction of input data and executes transmitting and receiving of data with another apparatus, said recording/reproduction apparatus (*Source computer and target computer are used, regardless of their hardware or operating system, to relocate application programs, settings, menus, files and documents from a source computer to a target computer, [Abstract]*) comprising:

an extraction unit operable to extract, from the first database file, the information regarding the digital data which corresponds to digital data recorded in said recording/reproduction apparatus but not recorded in the other apparatus, the extraction being executed by comparing a received second database file, including stored information regarding each digital data of a digital data group recorded in the other apparatus with the first database file (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the*

Art Unit: 2165

*source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]);*

a sending unit operable to send, to the other apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]. It is inherent that the "copy" command causes the source machine to send data on the source machine to the target machine).

Erickson does not disclose a recording unit for recording a digital data group including digital data and recording a first database file which stores information regarding digital data of the recorded digital data group, the information regarding digital data including copy origin information indicating a location from which each digital data

Art Unit: 2165

of the recorded digital data group is copied and copy destination information indicating a location to which each digital data of the recorded digital data group is copied, and a delete determination unit operable to determine, based upon the copy origin information and the copy destination information included in the first database file, whether or not to delete, from said recording/reproduction apparatus, (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data.

However, Sinha teaches:

a recording unit for recording a digital data group including digital data and recording a first database file which stores information regarding digital data of the recorded digital data group (*the synchronization process 18 understand the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24, [0060]*), the information regarding digital data including copy origin information indicating a location from which each digital data of the recorded digital data group is copied and copy destination information indicating a location to which each digital data of the recorded digital data group is copied (*As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]*).

Art Unit: 2165

a delete determination unit operable to determine, based upon the copy origin information and the copy destination information included in the first database file, whether or not to delete, from said recording/reproduction apparatus, (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data (*Figure 22 the determination if the first node in the current file activity structure list is type "newly created log entry" or not. If the type is not "newly created log entry", analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]. See further [0022] for current activity list*),

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Sinha with the teachings of Henrickson to efficiently back up user computer data as the user is changing the computer source document, particularly if the user data is critical, by performing a real time optimized backup from a source device to a destination device ([0002]-[0003] of Sinha).

Erickson, as modified by Sinha, does not explicitly disclose wherein, only when information indicates that the other apparatus is not included in the copy origin information and the copy destination information of the digital data stored in the recording unit, said sending unit sends, to the other apparatus, the extracted information



Art Unit: 2165

regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data.

However, Sugiyama discloses wherein, only when information indicates that said second recording/reproduction apparatus is not included in the copy origin information and the copy destination information of the digital data stored in the first recording unit, said first sending unit sends, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*When the writing is completed for the track as determined at step s77, the file validity information, contained in the file management information corresponding to the track on the hard disk 5, is set to indicate "non-valid" meaning that the data of the track on the hard disk 5 have been completely erased. Such arrangements can prevent further (second-generation) copying (i.e., re-copying) of the audio data copied from the CD to the hard disk 5, to thereby eliminate a possibility of unfair copying against the SCMS standard, [0061]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention to incorporate the teachings of Sugiyama with the teachings of Henrickson, as modified by Sinha, for the purpose of imparting copying-inhibiting subcode to the data to indicate that copying of the audio data is restricted ([Abstract] of Sugiyama).

Regarding **claim 14**, Henrickson clearly shows and discloses a data transmission/reception method of using a first recording/reproduction apparatus for

Art Unit: 2165

transmitting and receiving data to and from another apparatus and for managing data recorded on the first recording/reproduction apparatus (*Figure 1*), said data transmission/reception method comprising:

extracting, from a first database file recorded on the first recording/reproduction apparatus, information regarding digital data which corresponds to digital data which recorded in the first recording/reproduction apparatus but not recorded in the other recording/reproduction apparatus, said extracting being executed by comparing (i) a second database file received from the other recording/reproduction apparatus including information regarding digital data, with (ii) the first database file including the information regarding digital data of a digital data group recorded in the first recording/reproduction apparatus (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy', [Column 4, Line 67 --*

Art Unit: 2165

Column 5, Line 4]. *Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]),*

determining to send to send, to the other apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]. It is inherent that the "copy" command causes the source machine to send data on the source machine to the target machine).*

Erickson does not disclose the information regarding digital data including copy origin information indicating a location from which each digital data is copied and copy destination information indicating a destination to which each digital data is copied, and determining, based upon the copy origin information and the copy destination information, whether or not to delete, from the first recording/reproduction apparatus (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data.

However, Sinha teaches:

the information regarding digital data including copy origin information indicating a location from which each digital data is copied and copy destination information

Art Unit: 2165

indicating a destination to which each digital data is copied (*The synchronization process 18 understands the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24. As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]).*

determining, based upon the copy origin information and the copy destination information, whether or not to delete, from the first recording/reproduction apparatus (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data (*Figure 22 the determination if the first node in the current file activity structure list is type "newly created log entry" or not. If the type is not "newly created log entry", analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]. See further [0022] for current activity list).*

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Sinha with the teachings of Henrickson to efficiently back up user computer data as the user is changing the computer source

Art Unit: 2165

document, particularly if the user data is critical, by performing a real time optimized backup from a source device to a destination device ([0002]-[0003] of Sinha).

Erickson, as modified by Sinha, does not explicitly disclose the extracted information and the digital being determined to be sent only when information indicates that the other apparatus is not included in the copy origin information and the copy destination information of the digital data.

However, Sugiyama discloses the extracted information and the digital being determined to be sent only when information indicates that the other apparatus is not included in the copy origin information and the copy destination information of the digital data (*When the writing is completed for the track as determined at step s77, the file validity information, contained in the file management information corresponding to the track on the hard disk 5, is set to indicate "non-valid" meaning that the data of the track on the hard disk 5 have been completely erased. Such arrangements can prevent further (second-generation) copying (i.e., re-copying) of the audio data copied from the CD to the hard disk 5, to thereby eliminate a possibility of unfair copying against the SCMS standard, [0061]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention to incorporate the teachings of Sugiyama with the teachings of Henrickson, as modified by Sinha, for the purpose of imparting copying-inhibiting subcode to the data to indicate that copying of the audio data is restricted ([Abstract] of Sugiyama).

Regarding **claim 15**, Henrickson clearly shows and discloses a computer-readable storage medium having a program stored thereon, the program for using a first recording/reproduction apparatus for transmitting and receiving data with another recording/reproduction apparatus and for managing data recorded on the first recording/reproduction apparatus (*relocation program in Figure 1*), the program causing a computer to execute a method comprising:

extracting, from a first database file recorded on the first recording/reproduction apparatus, information regarding digital data which corresponds to digital data which recorded in the first recording/reproduction apparatus but not recorded in the other recording/reproduction apparatus, said extracting being executed by comparing (i) a second database file received from the other recording/reproduction apparatus including information regarding digital data, with (ii) the first database file including the information regarding digital data of a digital data group recorded in the first recording/reproduction apparatus (*The hard drives on both source and target computers are scanned by the relocation program(s) in order to determine a list of items stored on each computer. The resulting list of items includes such information about each item as its name, existence, version number, date, size, and content, [Column 4, Lines 26-40]. The relocation process selects the information to be relocated from the source machine to the target machine. Note that the term information is intended to include not only individual items, but also selected data stored within those items. The list of items on the source machine is reviewed to set an action to be taken with respect to that item, [Column 4, Lines 41-51]. A selection rule is defined as a pre-programmed logical rule used to compare*

Art Unit: 2165

*specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]); and*

determining to send to send, to the other apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*A selection rule is defined as a pre-programmed logical rule used to compare specific characteristics stored in the list of items on each machine. For example, if item A exists on source and not on target then set item to "copy", [Column 4, Line 67 -- Column 5, Line 4]. Note that the source and target computers can be connected through LAN, Internet, serial port, parallel port or USB, [Column 4, Lines 9-24]. It is inherent that the "copy" command causes the source machine to send data on the source machine to the target machine*).

Erickson does not teach the information regarding digital data including copy origin information indicating a location from which each digital data is copied and copy destination information indicating a destination to which each digital data is copied, and determining, based upon the copy origin information and the copy destination information, whether or not to delete, from the first recording/reproduction apparatus (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data.

However, Sinha teaches:

the information regarding digital data including copy origin information indicating a location from which each digital data is copied and copy destination information indicating a destination to which each digital data is copied (*The synchronization process 18 understands the source (such as computer 10) and destination (such as a backup computer not shown) of the real time optimized backup. This information can be stored in a file located in the computer 10. This is called a file system monitor list 24. As an example, it will contain the information that "c:\source\sample" folder is to be backed of to "\\Backupserver\backupshare\userx\sample" folder.. This can be created based on the user preference, [0060]);*

determining, based upon the copy origin information and the copy destination information, whether or not to delete, from the first recording/reproduction apparatus (i) the extracted information regarding the digital data and (ii) the digital data that corresponds to the extracted information regarding the digital data (*Figure 22 the determination if the first node in the current file activity structure list is type "newly created log entry" or not. If the type is not "newly created log entry", analysis process 1102 ensures whether a file exists in the destination. If it does not exist, then the procedure is exited at step 2106. If it exists, then the next step is 2110. In step 2110, analysis process 1102 adds the file name in the file system request to the list of files deleted at the source. The procedure is also exited at step 2106 following execution of step 2110, [0107]. See further [0022] for current activity list).*

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Sinha with the teachings of Henrickson



Art Unit: 2165

to efficiently back up user computer data as the user is changing the computer source document, particularly if the user data is critical, by performing a real time optimized backup from a source device to a destination device ([0002]-[0003] of Sinha).

Erickson, as modified by Sinha, does not explicitly disclose the extracted information and the digital being determined to be sent only when information indicates that the other apparatus is not included in the copy origin information and the copy destination information of the digital data.

However, Sugiyama discloses the extracted information and the digital being determined to be sent only when information indicates that the other apparatus is not included in the copy origin information and the copy destination information of the digital data (*When the writing is completed for the track as determined at step s77, the file validity information, contained in the file management information corresponding to the track on the hard disk 5, is set to indicate "non-valid" meaning that the data of the track on the hard disk 5 have been completely erased. Such arrangements can prevent further (second-generation) copying (i.e., re-copying) of the audio data copied from the CD to the hard disk 5, to thereby eliminate a possibility of unfair copying against the SCMS standard, [0061]*).

It would have been obvious to an ordinary person skilled in the art at the time of the invention to incorporate the teachings of Sugiyama with the teachings of Henrickson, as modified by Sinha, for the purpose of imparting copying-inhibiting

Art Unit: 2165

subcode to the data to indicate that copying of the audio data is restricted ([Abstract] of Sugiyama).

10. **Claims 4**, and **11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrickson et al. (*Pat. No. US 6,625,622, filed on August 23, 1999; hereinafter Henrickson*) in view of Sinha (*Pub. No. US 2004/0064488, filed on September 30, 2002*), and further in view of Sugiyama (*Pub. No. 2002/0085461, published on July 4, 2002*), and further in view of Wright, JR. et al. (*Pub. No. US 2004/0122873, filed on December 20, 2002; hereinafter Wright*).

Regarding **claim 4**, Henrickson, as modified by Sinha and Sugiyama, does not explicitly disclose each information regarding the digital data stored in the first database file and stored in the second database file further includes information which indicates a priority level of the digital data, and determining, based on the priority level information which indicates the priority level of the digital data, whether or not to delete the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data based on whether the priority level of the digital data is higher or lower than a predetermined level.

Wright discloses:

each information regarding the digital data stored in the first database file and stored in the second database file further includes information which indicates a priority level of the digital data (*an attribute associated with a file to indicate that the file is deletable can include an indication of a priority level for deletion. The indication of priority level can, for example, be based upon: a user valuation, time since a last access*

Art Unit: 2165

*to the file, a priority associated with an application that originated the file, a file type, or any other criteria, [0031]).*

determining, based on the priority level information which indicates the priority level of the digital data, whether or not to delete the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data based on whether the priority level of the digital data is higher or lower than a predetermined level (*step 317 of Figure 3, a file 100 that has not been accessed for a predetermined period of time can be deleted. In some embodiments, the history of accesses to files 100 can be updated periodically and a determination made relating to an amount of time that has transpired since a last access for each file 100, based upon each update. Embodiments can include deleting files 100 that have not been accessed within the predetermined time, regardless of any requests for free file space. Other embodiments can include associating an attribute indicating that a file is deletable 101 with a file 100 that has not been accessed within a predetermined period of time and deleting files 100 associated with the attribute 101 in response to a request for free file space, [0035]).*

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Wright with the teachings of Henrickson, as modified by Sinha and Sugiyama, for the purpose of facilitating management of free file space by associating an attribute with one or more files stored on a storage medium to indicate that the files are deletable upon request ([0007] of Wright).

Art Unit: 2165

Regarding **claim 11**, Wright further discloses each information regarding the digital data stored in the first database file and stored in the second database file further includes information which indicates a priority level of the digital data (*an attribute associated with a file to indicate that the file is deletable can include an indication of a priority level for deletion. The indication of priority level can, for example, be based upon: a user valuation, time since a last access to the file, a priority associated with an application that originated the file, a file type, or any other criteria, [0031]*), and

said sending unit is operable to determine, based on the priority level information which indicates the priority level of the digital data, whether or not to send, to said second recording/reproduction apparatus, the extracted information regarding the digital data and the digital data that corresponds to the extracted information regarding the digital data (*in step 317 of Figure 3, a file 100 that has not been accessed for a predetermined period of time can be deleted. In some embodiments, the history of accesses to files 100 can be updated periodically and a determination made relating to an amount of time that has transpired since a last access for each file 100, based upon each update. Embodiments can include deleting files 100 that have not been accessed within the predetermined time, regardless of any requests for free file space. Other embodiments can include associating an attribute indicating that a file is deletable 101 with a file 100 that has not been accessed within a predetermined period of time and deleting files 100 associated with the attribute 101 in response to a request for free file space, [0035]*).

Art Unit: 2165

11. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Henrickson et al. (*Pat. No. US 6,625,622, filed on August 23, 1999; hereinafter Henrickson*) in view of Sinha (*Pub. No. US 2004/0064488, filed on September 30, 2002*), and further in view of Sugiyama (*Pub. No. 2002/0085461, published on July 4, 2002*), and further in view of Nassar (*Pub. No. US 2003/0055671, filed on August 28, 2002*)

Regarding **claim 12**, Henrickson, as modified by Sinha and Sugiyama, does not disclose one of said first or second recording/reproduction apparatuses is installed in a vehicle.

However, Nassar discloses a system for backup, storage and recovery of data namely computer data, proprietary data, analog data, digital data, and magnetic storage medium data, utilizing physically adjacent storage vehicles namely trucks, armored trucks, vans, automobiles, and customized vehicles to travel onsite to locations where data is located, created, stored, disseminated, and used ([0016]-[0018]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of Nassar with the teachings of Henrickson, as modified by Sinha and Sugiyama, for the purpose of securing computer data by downloading them to the mobile vehicles to provide companies with mobile data backup and disaster recovery services (Abstract and [0024] of Nassar).

### ***Conclusion***

12. These following prior arts made of record and not relied upon are considered pertinent to Applicant's disclosure:

Asada et al. (*Pat. No. US 5,680,612*) teaches document retrieval apparatus retrieving document data using calculated record identifier.

Satoh (*Pub. No. US 2001/0002933*) teaches fingerprint certifying device and method of displaying effective data capture state.

Nishino et al. (*Pub. No. US 2003/0033333*) teaches hot topic extraction apparatus and method, storage medium therefor.

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

### ***Contact Information***

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 AM – 5:00 PM).

Art Unit: 2165

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T Hoang/  
Examiner, Art Unit 2165  
December 18, 2008

/S. P./  
Primary Examiner, Art Unit 2164  
/Christian P. Chace/  
Supervisory Patent Examiner, Art Unit 2165